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Attorneys for Plaintiff and Judgment Creditor  
DONALD THORN

**UNITED STATES BANKRUPTCY COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SANTA ROSA DIVISION**

In re:

Case No.: 13-10923-AJ-7

Javier Agosto and Heidi Erica Alvarez

A.P. No.: 13-01103

Debtors./

**PLAINTIFF DONALD THORN'S  
MOTION FOR SUMMARY JUDGMENT**

Donald Thorn

Plaintiff,

**Date: April 4, 2014**

**Time: 9:00 a.m.**

**Place: 99 South E Street  
Santa Rosa, California**

v.

Javier Agosto and Heidi Erica Alvarez

**A.P. Filed: August 6, 2013**

**Trial Date: September 17, 2014**

Defendants./

**Judge: Alan Jaroslovsky**

Plaintiff Donald Thorn hereby moves the United States Bankruptcy Court in and for the Northern District of California for summary judgment in his favor finding that under the holding of In re Lopez (2007) 367 B.R. 99 and California Civil Code § 3426.4 set forth within the accompanying memorandum of points and authorities in support of this motion for summary judgment that the June 22, 2012 judgment and the October 10, 2012 amended judgment in

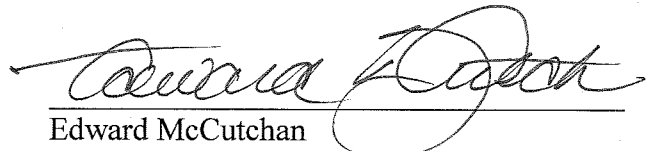
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1 Sonoma County Superior Court case number SCV-246852 are not dischargeable as a matter of  
2 law under 11 U.S.C. § 523(a)(6).

3 Date: February 20, 2014

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7 Edward McCutchan  
8 Attorneys for Plaintiff and Judgment Creditor  
9 DONALD THORN  
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SONOMA

I am employed in the County of Sonoma, State of California. I am over the age of 18 and not a party to the within action; my present address is: 412 Aviation Boulevard, Suite D, Santa Rosa, California 95403.

On February 20, 2014, I served the foregoing document described as **PLAINTIFF DONALD THORN'S MOTION FOR SUMMARY JUDGMENT** on the parties by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

SEE ATTACHED SERVICE LIST


XX By Regular U.S. Mail. The documents were placed for collection and mailing following ordinary business practice for deposit in the United States Postal Service in a sealed envelope with postage thereon fully prepaid, addressed as stated above.

\_\_\_ By personal service. I caused each such envelope to be delivered by hand to the addressee(s) as stated above.

\_\_\_ By facsimile transmitted from (707) 284-5527. The document transmission was reported as complete and without error.

\_\_\_ By email or electronic transmission. I caused the document to be sent to the persons at the email addresses listed below. I did not receive within a reasonable time after the transmission any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on February 20, 2014, at Santa Rosa, California.

  
Kathleen M. Dahl

1                                    In re: Javier Augusto Alvarez, Heidi Erica Alvarez  
2                                    United States Bankruptcy Court Case No.: 13-10923-AJ-7

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4 Attorneys for Defendants/Debtors: Javier Augusto Alvarez and Heidi Erica Alvarez

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